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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/644,260

08/20/2003

John Patrick Romeo

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EXAMINER

PATEL, HEMANT SHANTILAL

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/644,260

Applicant(s)

ROMEO, JOHN PATRICK

Examiner

Hemant Patel

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. The Applicant Response dated May 2, 2006 to an Office Action dated February 10, 2006 is entered. This response was "Remarks In Support Of The Pre-Appeal Brief Request For Review" in which the Applicant cancelled claim 20. If this is still the intention of the Applicant, the Applicant should make the cancellation of claim 20 formal by submitting claims with new status in Applicant Response to this Office Action. Claims 1-20 are pending in this application.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 20 is rejected under 35 U.S.C. 102(e) as being anticipated by Saleh (US Patent No. 6,654,458 B1).

**Regarding claim 20**, Saleh discloses a computer-readable medium (Fig. 1, item 30) having computer-readable data (col. 3, ll. 3-4, set of programming instructions) to receive a spoken directive from a party to a call, to convert the spoken directive into a request for information from a monitored network device, to receive a response from a software agent associated with the monitored network device, to convert the response into a spoken response, and to initiate playing of the spoken response to the party (col. 6, ll. 32-47). Saleh discloses that the supervisory interface application 40 may reside on one of the supervisor's terminal and remotely access ACD control applications 42, 44 (device agents) (col. 4, ll. 5-12). The application 40 functions to access the related application 42, 44 and make the requested changes (col. 5, ll. 32-34). The proper applications convert the command into format, which the CPU 28 can execute. The command is sent to the CPU 28 (by the control application) and the CPU confirms execution of the change (results to requesting application, in this case control application) (col. 6, ll. 37-42). It is known in the art that CPU is merely a hardware that executes one instruction at a time given to it by software application, in this case the control application, and the application causing the instruction execution checks the result of execution. Thus control application receives the result of the execution and responds to the remote supervisory interface application that originally requested function command execution. Thus, Saleh teaches of supervisory application remotely receiving response from the software agent (monitored device control application) associated with a network device (ACD).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 11-12, 14, 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saleh (US Patent No. 6,654,458 B1), and further in view of Barnes (US Patent No. 6,594,470 B1).

***Regarding claim 11***, Saleh teaches of a monitoring method comprising:

communicatively coupling a voice call to management engine (Fig. 1, item 16, PBX providing management of agents);

recognizing that a party can receive audible information via the call (col. 2, ll. 60-65, ANI as caller identity) and graphical information via a data connection (col. 3, ll. 5-14, a return email address or caller includes his URL address, these are Internet addresses and Internet is a data network);

receiving a spoken directive from a party to the call (col. 5, ll. 13-21); and  
converting the spoken directive into a request for information from a monitored network device (col. 5, ll. 13-21).

Saleh does not call PBX as network management engine.

However, in the same field of endeavor, Barnes teaches of a method wherein call center server (Fig. 1, item 108) monitors and manages various agent workstations

connected through network (col. 3, ll. 43-52) and this monitoring and managing is controlled and directed remotely by call center supervisor using a wireless device that includes graphical, text and audible interface (col. 3, ll. 66-col. 4, ll. 63).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Saleh to include call center server to manage resources attached to the network as taught by Barnes in order to manage geographically distributed agent workstations which is becoming a common configuration of call center with agents working from home.

**Regarding claim 12**, Saleh teaches of asking for a password from a caller and caller presenting his name and password to access the system (col. 4, ll. 43-54).

**Regarding claim 14**, Saleh teaches of the method, further comprising:  
receiving a response from a software agent associated with the monitored network device (col. 6, ll. 44-46);

converting the response into a spoken response (col. 5, ll. 45-46);

and playing the spoken response to the party (col. 5, ll. 51-52).

**Regarding claim 16**, Saleh teaches of a method, further comprising:  
receiving a keyed in directive from the party, the keyed in directive comprising dual tone multi-frequency signals (col. 4, ll. 52-54).

**Regarding claim 17**, Barnes teaches of a method of using TCP/IP protocol for an interface to mobile radio terminals (col. 6, ll. 23-26).

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saleh and Barnes as applied to claim 11 above, and further in view of Linzy (US Patent Application Publication No. 2002/0019866 A1).

**Regarding claim 13**, Saleh and Barnes do not teach SNMP protocol.

However, in the same field of endeavor, Linzy teaches of using SNMP protocol for monitoring and maintaining communication network (Paragraph 0032).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Saleh to use SNMP protocol as taught by Linzy in order to be compatible with multiple vendor supplied devices using a industry standard management protocol.

8. Claims 15, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saleh and Barnes as applied to claim 11 above, and further in view of Metcalf (US Patent Application Publication No. 2002/0122541 A1).

**Regarding claim 15**, Saleh teaches of a supervisory application receiving response from monitored network device (ACD) control application (the supervisory interface application 40 may reside on one of the supervisor's terminal and remotely access ACD control applications 42, 44 (device agents) (col. 4, ll. 5-12). The application 40 functions to access the related application 42, 44 and make the requested changes (col. 5, ll. 32-34). The proper applications convert the command into format, which the CPU 28 can execute. The command is sent to the CPU 28 (by the control application) and the CPU confirms execution of the change (results to requesting application, in this

case control application) (col. 6, ll. 37-42). It is known in the art that CPU is merely a hardware that executes one instruction at a time given to it by software application, in this case the control application, and the application causing the instruction execution checks the result of execution. Thus control application receives the result of the execution and responds to the remote supervisory interface application that originally requested function command execution. Thus, Saleh teaches of supervisory application remotely receiving response from the software agent (monitored device control application) associated with a network device (ACD));

converting this response to audible information (col. 5, ll. 46-47, ll. 50-52); and routing this portion to the party (supervisor) via the call.

Saleh and Barnes are silent on separating response information in audible and graphical information.

However, in the same field of endeavor, Metcalf teaches of converting network information to speech routed via a call (paragraph 0058) and to data routed as GUI or Web via data connection to browsers (Internet Explorer or Netscape Navigator) on user's computer terminal (Paragraphs 0056, 0059).

It would have been obvious to a person of ordinary skill in the art to modify the system as taught by Saleh and Barnes to include graphical user functionality as taught by Metcalf in order to provide content in visual display (Metcalf, Paragraph 0056) in addition to playing the content audibly to a user in the course of the call (Metcalf, Paragraphs 0058, 0059, 0079).



**Regarding claim 19**, Saleh and Barnes do not teach of a method, further comprising:

decoupling the voice call from the network management engine, and receiving an additional directive originating from an input device coupled to computing platform comprising the network management engine.

However, in the same field of endeavor, Metcalf teaches of decoupling a call from network server (Paragraph 0066) and receiving additional directive originating from input device (user computer terminal that was originally connected and which originally displayed a number for the party to initiate the call, Paragraph 0059) coupled to a computing platform (network server 106) representing the network management engine.

It would have been obvious to a person of ordinary skill in the art to modify the system as taught by Saleh and Barnes to include the decoupling of a call from network server as taught by Metcalf in order to save resources by freeing up dedicated resource used by the call and continue monitoring with original web browser session.

9. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saleh and Barnes as applied to claim 11 above, and further in view of McDuff (US Patent No. 6,490,350 B2).

**Regarding claim 18**, Saleh and Barnes do not specifically teach of a method comprising initiating communication to the party of information representing a graphical

user interface that displays a visual representation of a network monitored by the network management engine.

However, in the same field of endeavor, McDuff teaches of a method initiating communication to a party (col. 5, ll. 12-17, ll. 49-54, change in status of monitored element i.e. agent generates an event and the communication of this event is initiated by the system and sent to the monitoring system client i.e. party who has permanent request for status information) of information representing a graphical user interface that displays a visual representation of a call center monitored by the monitoring server (Fig. 13, col. 2, ll. 47-49, col. 11, ll. 40-64).

It would have been obvious to a person of ordinary skill in the art to modify the system as taught by Saleh and Barnes to include the use of graphical user interface for representation of information as taught by McDuff in order to provide visual status of the network being monitored.

#### ***Allowable Subject Matter***

10. Claims 1-10 are allowed.

**Claim 1**, Gerber teaches of a network monitoring system comprising:

a network management engine (Fig. 2, item NECONTR, paragraph 0031) operable to issue a request to a monitored network device agent (Fig. 2, item NE1, NE2) and to receive network information from the monitored network device agent (paragraph 0031, controls these elements and receives status data from these network elements);

a multi-modal administration engine (Fig. 2, item NMS) operable to allow a party to a call to interact with the network management engine;

a caller response unit (Fig. 2, item AU) associated with the multi-modal administration engine, the caller response unit operable to receive a user input from the party and to convert the user input into a directive for the network management engine (paragraph 0047, allowing dialog based on XML and WAP to read and/or modify data to effect services provided by network elements);

a format converter (Fig. 2, item AU) associated with the multi-modal administration engine, the format converter operable to translate at least a portion of a first signal representing network information (paragraph 0047, subscriber-specific mapping of data between user and SMDB) into a second signal.

Gerber controls the network elements and receives status information but Gerber is silent on specifying that the request is sent to network elements and in response to this request, network elements provide information as claimed in the claim 1. Gerber controls network elements through the changes in configuration in response to request but Gerber is silent on changing the request specifically into directive for the network management engine as claimed in claim 1. Gerber provides format conversion for network information but Gerber is silent on converting the network information to audible sound.

However, in the same field of endeavor, Sato teaches of a system with a network management engine (Fig. 1, item 11 controller of item 10 management apparatus) operable to issue a request to a monitored network device agent (Fig. 5, step 1000) and

Art Unit: 2614

to receive network information from the monitored network device agent (Fig. 5, steps 1002, 1006);

a multi-modal administration engine (Fig. 1, item 11 controller of item 10 management apparatus interacting with various devices i.e. a cellular phone, a Personal Handy-phone System, PDA, a PC etc Paragraph 0068) operable to allow a party to a call to interact with the network management engine (Paragraph 0067, party receiving fault information call from the system interacting by responding with removal of fault in accordance with the voice information from the administrator);

a format converter associated with the multi-modal administration engine, the format converter operable to translate at least a portion of a first signal representing network information into a second signal (Paragraph 0037, "the fault information to be sent to the second communication device may include a detailed statement and audio/voice information"; Paragraph 0095, "the management apparatus 10 may change the fault information depending upon a type of the communication apparatus 50").

Sato does not teach of converting a user input into a directive to network management engine.

Gerber and Sato do not provide clear motivation to combine them to provide the specific features as claimed in detail by the applicant.

The remaining prior art of record fail to teach or fairly suggest of modifying Gerber with the specific features in order to arrive at the invention as claimed in detail by the applicant.

**Claims 2-10**, they are dependent on allowed claim 1.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 6,374,293	Dev
US Patent No. 6,104,790	Narayanaswami
US Patent No. 6,466,663	Ravenscroft

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant Patel whose telephone number is 571-272-8620. The examiner can normally be reached on 8:00 AM - 5:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

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Art Unit 2614

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